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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

NATHAN BAPTISTA,

Defendants.

CASE NO. 1:24-CR-000143-KES-BAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through her counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a status conference on September 25, 2024. Dkt. 24.

2. By this stipulation, defendant now moves to continue the status conference and to exclude time between September 25, 2024, and December 11, 2024, pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

3. The parties agree and stipulate, and request that the Court find the following:

a) The government provided discovery to the defense on June 17, 2024. The discovery consisted of law enforcement reports, bodycam footage, photographs and video

1 recordings. As investigation was ongoing, the Government provided additional discovery on July
2 3, 2024, July 15, 2024, July 29, 2024, and September 4, 2024. This additional discovery
3 consisted of more law enforcement reports from ongoing witness interviews, medical records,
4 photographs, and lab results.

5 b) The parties are discussing potential resolution of this case via a plea agreement.
6 However, the parties have not finalized terms and do not yet know if resolution is possible. The
7 Government intends to make a formal plea offer to the defense by September 20, 2024. The
8 Defense counsel will require time to discuss the plea with his client and continue to conduct his
9 own investigation.

10 c) The defendant asks the Court to exclude time between September 25, 2024, and
11 December 11, 2024, to account for time to discuss the plea with the Government and defendant,
12 to conduct his own investigation, and determine if this case needs to be set for trial, taking into
13 account the exercise of due diligence.

14 d) The government does not object to the continuance.

15 e) Based on the above-stated findings, the ends of justice served by continuing the
16 case as requested outweigh the interest of the public and the defendants in a trial within the
17 original date prescribed by the Speedy Trial Act.

18 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
19 et seq., within which trial must commence, the time period of September 25, 2024 to December
20 11, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv), because
21 it results from a continuance granted by the Court at defendants' request on the basis of the
22 Court's finding that the ends of justice served by taking such action outweigh the best interest of
23 the public and the defendant in a speedy trial.

24 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
25 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
26 must commence.

27 IT IS SO STIPULATED.
28

1 Dated: September 17, 2024

PHILLIP A. TALBERT
United States Attorney

2 /s/ ARIN C. HEINZ
3 ARIN C. HEINZ
Assistant United States Attorney

4
5 Dated: September 17, 2024

/s/ GRIFFIN ESTES
GRIFFIN ESTES
Counsel for Defendant
NATHAN BAPTISTA

8
9 **ORDER**

10 IT IS SO ORDERED that the status conference is continued from September 25, 2024, to
11 **December 11, 2024, at 1:00 p.m. in Courtroom 8 before Magistrate Judge Barbara A. McAuliffe.**

12 Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

13
14 IT IS SO ORDERED.

15
16 Dated: **September 18, 2024**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE